

all want the same thing — good care of our people in the nursing homes and facilities.

What constitutes elder abuse and neglect — what forms can abuse take?

We look at issues differently. If it is a neglect issue, can it be neglect on the nursing home's part for not having the qualified training for the staff that is caring for them and not following the care plans? There are a lot of things that go into a neglect issue. As far as an abuse issue, we usually want to take any that are egregious acts. You have to have pain or injury. Pain, a lot of times, is hard to prove if there is no evidence of an injury — a bruise, a cut or something. So, it has to do with the definitions of abuse and neglect that are in KRS Chapter 209. That is the big problem we have in elder abuse is we look at

Chapter 209, and it is not in the penal code. In the penal code you have elements of crime. You have to have this, this and this and it is pretty clear cut. In Chapter 209 for abuse and neglect, there are not elements, there are definitions. The definitions are so ambiguous it comes down to who has the best argument. You have to have so many things to make a case. If you have your witnesses and your evidence, it is kind of like who has the best information to prove the event could have occurred.

It is very difficult in Chapter 209 to do an abuse and neglect case because of the definitions of those. However, we can also prosecute using the penal codes of assault — assault fourth degree. Those are more clear-cut. But, we try to make these into the elder abuse laws and use Chapter 209 because that gets documented into

the system and lets everybody know the magnitude of how this population is being targeted. If we put it in as an assault in the penal codes, it does not necessarily capture that it is an elder-abuse crime.

Your career has been dedicated to serving elders and fighting their abuse. How did you get involved with this issue, and why are you so passionate about it?

There are multiple reasons. When I was on the Jefferson County Police Department, Chief Bill Carcara wanted to start an elder abuse unit. I was a sergeant at the time. He wanted to have this unit, so I applied for it and, in 2000, I became the unit sergeant with three detectives. Our sole purpose was to investigate elder abuse in Jefferson County, and our focus would be to investigate abuse and neglect or financial exploitation of the elderly 60 and older who were targeted because of their age.

We started the first full-time unit in the state of Kentucky. It was on a grant when it initially started. When the grant ran out, it was so evident that it was really needed because of the statistics we were generating looking at these crimes, that the department absorbed the unit into its budget. Louisville PD had a part-time unit on elder abuse, so when the Louisville PD and Jefferson County PD merged in 2003, these two units merged and continued the full-time unit, and it progressed from there.

On a more personal level, I had parents who were elderly. Growing up, I remember my dad getting Publishers Clearing House and all this sweepstakes mail — we lived for the mail. I didn't realize that he had been a victim of one of those sweepstakes scams. We have a camera that he got as a consolation prize because he did not win the big prize. The consolation prize was a camera that takes 3-D pictures, and I still have it. I use it in talks. It is a knock off of a Nikon with a different name. It supposedly takes 3-D pictures, but you can't get film for it. So, I use that as a prop to teach people. My dad just kept thinking he was going to win. That is the mentality of many >>

◀ Investigators with the Attorney General's Office of Medicaid Fraud and Abuse Control, like Nikki Henderson, can have as many as 20 cases at one time. Each case can potentially take years to work because of the amount of documentation needed and the challenges that come with each investigation.



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